

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION OF THE APPLICATION)	
OF THE FUEL ADJUSTMENT CLAUSE OF)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	CASE NO.
FROM NOVEMBER 1, 2014 THROUGH)	2017-00004
OCTOBER 31, 2016)	

ORDER

On February 20, 2017, Louisville Gas and Electric Company (“LG&E”) filed a petition pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential protection to the identified portions of the responses to Questions 9, 22, and 25(b) of the Commission’s data requests contained in the Appendix to the Commission’s Order dated February 6, 2017.

Specifically, LG&E seeks confidential treatment of: 1) its planned maintenance schedules (Response No. 9); 2) a copy of four settlement agreements with one of LG&E’s coal suppliers (Response No. 22); and 3) bid analysis information (Response No. 25(b)).

As the basis for its request, LG&E states that public disclosure of Response No. 9 regarding LG&E’s planned maintenance schedules would make public information about LG&E’s “down time.” This would harm LG&E’s ability to negotiate with contractors and vendors and could result in higher prices for LG&E’s customers. LG&E requests that this information remain confidential for five years.

Regarding Response No. 22, LG&E states that disclosure of the settlement agreements could give an unfair advantage to current and potential coal suppliers in any future bidding process and could result in higher prices for LG&E's customers. LG&E requests that this information remain confidential indefinitely.

Finally, LG&E asserts that disclosure of the information in Response No. 25(b) could also be detrimental to LG&E's customers and result in higher prices by revealing the business model LG&E uses for evaluating bids for coal supply. LG&E requests that this information remain confidential for five years.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Response No. 9, Response No. 22, and Response No. 25(b), is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. LG&E's petition for confidential protection for Response No. 9 and Response No. 25(b) is granted and the information shall not be placed in the public record or made available for public inspection for a period of five years or until further Orders of this Commission.

2. LG&E's petition for confidential protection for Response No. 22 is granted, and the information shall not be placed in the public record or made available until further Orders of this Commission.

3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. LG&E shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

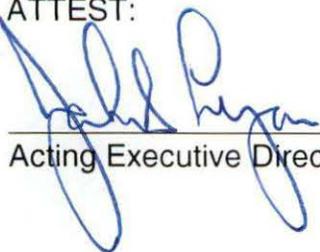
5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, then LG&E shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If LG&E is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential protection in order to allow LG&E to seek a remedy afforded by law.

By the Commission



ATTEST:



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